

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUSAN E. EMBREE,

Defendant.

NO. CV-10-379-JPH

**ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT AND
JUDGMENT UPON ORDER OF
DEFAULT**

On August 19, 2011, Magistrate Judge James P. Hutton entered a Report and Recommendation to grant Plaintiff's Motion for Entry of Default, ECF No. [15](#), pursuant to Local Rule 55.1(a). ECF No. [16](#). The Clerk's Order of default was entered August 22, 2011. ECF No. [17](#). Objections to the Report and Recommendation were due September 2, 2011. ECF No. [16](#). The deadline has passed and no objections have been filed.

Defendant provided no opposition or other response to Plaintiff's motion. Local Rule 7.1(e) provides that "failure to timely file a memorandum of points and authorities in support of or in opposition to any motion may be considered by the Court as consent on the part of the party failing to file such memorandum to the entry of an Order adverse to the party in default." Accordingly, the Court finds that Defendant has acquiesced to the entry of an Order granting Plaintiff's motion.

Accordingly, for the foregoing reasons, **IT IS HEREBY ORDERED:**

1. The Magistrate Judge's Report and Recommendation, **ECF No. 16**, is **ADOPTED** in its entirety.

2. Plaintiff's Motion for Entry of Default against Susan E. Embree, **ECF No. 15**, is **GRANTED**. Judgment is **RENDERED** in favor of Plaintiff and against Defendant for the amounts described below:

Defendant owes Plaintiff the principal amount of \$64,184.17, plus interest on the principal of \$48,765.96 accrued at the rate of 3.28 percent per annum through February 25, 2010; plus interest thereafter on the principal to accrue at the rate of 3.28 percent per annum from February 26, 2010, to the date of judgment; plus:

(a) post-judgment interest pursuant to 28 U.S.C. § 1961;

(b) a \$350 filing fee pursuant to 28 U.S.C. § 2412(a)(2); and

(c) a docket fee of \$20.00 pursuant to 28 U.S.C. § 1921.

Therefore, **Defendant owes a total of \$112,950.13.**

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, provide a copy to Plaintiff's counsel, to Defendant, and to the magistrate judge.

DATED this 9th day of September 2011.

S/ Edward F. Shea

EDWARD F. SHEA

United States District Judge

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